

25 April 2023

Our Reference: **IC-188010-VOJO**

Dear Chris Bury,

I am writing in response to your case review and service complaint regarding the data protection case we have considered about Herefordshire Council (the Council).

Your complaint has been passed to me for consideration and my role as a reviewing officer is to look at what we have done and why. Although I may not necessarily respond separately to each of the points you have raised I have:

- reviewed the information relating to your data protection complaint and considered the points you have raised;
- considered whether the complaint was dealt with reasonably;
- considered whether the matter was handled in line with our casework processes; and
- considered whether there are any outstanding matters for us to pursue.

Your complaint and our review

I understand we have investigated your data protection complaint the Council and you're concerned about the outcome and the way it was handled.

I have considered the points you have raised in the links you provided in your email of 12 April 2023 and have also reviewed the relevant

information we hold about your case. I am satisfied that Alison Fletcher dealt with your complaint appropriately and in line with our case handling procedures.

In this case Alison Fletcher explained the reasons for her view in the letters of 16 January, 3 February, 6 and 23 March 2023. Having reviewed the matter, I am satisfied that Alison Fletcher dealt with your complaint appropriately. As such this is not something that we intend to pursue further.

It is clear that you are concerned about the Council's surveillance of you and it may be that the Investigatory Powers Tribunal are best placed to consider this element of your complaint. Alison Fletcher provided details of this in her response to you of 6 March 2023 however there's further details available here <https://investigatorypowerstribunal.org.uk/>.

At this time, in my view, there are no data protection issues which we want to pursue further with the Council. I appreciate you may take a different view and there's further information below about what the options are for you.

Next steps and your options

Part of the Information Commissioner's Office (ICO) role is to consider complaints from people who believe there has been an infringement of the data protection law.

Under data protection legislation (Section 165 of the Data Protection Act 2018) we must investigate a complaint to an appropriate extent, and inform you of the outcome. Part of this process includes considering whether further action is necessary or appropriate, in line with our [Regulatory Action Policy](#).

If we think an organisation has not complied with its obligations we can give advice and ask them to solve the problem. Our main aim is to improve the information rights practices of organisations, where there is an opportunity for us to do so.



A case review is the final stage of the ICO's case handling process which means that we won't consider this complaint further. However I recognise that you may continue to disagree with our view.

It may be helpful to explain that you are entitled to take your own cases to court under data protection legislation, irrespective of our decision. The ICO has no role in individual applications to the court, so if you wish to pursue this option, you may wish to seek private legal advice.

Alternatively if you believe that the ICO has provided you with a poor service, or if you believe we have not treated you properly or fairly then you may be able to complain to: **The Parliamentary and Health Service Ombudsman (PHSO), Millbank Tower, Millbank, London, SW1P 4QP.**

All complaints to the PHSO must be made through an MP. If you require further information about the PHSO, you can call its helpline on 0345 015 4033.

I hope the above has explained our position.

Yours sincerely,

Rachel Webster
Lead Case Officer
Information Commissioner's Office
0330 414 6743

For information about what we do with personal data see our privacy notice at www.ico.org.uk/privacy-notice.